

**REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION
8750 MCKINNEY ROAD
FRISCO, TEXAS 75034
TUESDAY, SEPTEMBER 12, 2000 - 6:30 P.M.**

MINUTES

1. Call to Order/Roll Call

Vice Chairman Steve Hulsey called the meeting to order at 6:38pm.

Those present: Vice Chairman Steve Hulsey, Commissioners Scott Seifert, John Hamilton and Richard Caplan.

Staff present: John Lettelleir, Director of Planning, Jeff Witt, Planner, Mitchel Humbolt, Frank Jaromin, City Engineer, Nan Parker, City Secretary, Rebecca Brewer, City Attorney and Sanet Garrett, Planning Secretary.

Those absent: Chairman Buddy Minett and Commissioner Jon Ferguson.

John Lettelleir, Director of Planning introduced Mitchel Humbolt, Planner to the Commission.

2. Issuance of Oath of Office

Nan Parker, City Secretary issued the Oath of Office to Jerry Sanders prior to the meeting.

3. Consider and act upon approval of Minutes of the August 29, 2000 Planning and Zoning Meeting.

Commissioner Caplan moved to approve the Minutes of August 29, 2000 with amendments. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

CONSENT AGENDA

John Lettelleir, Director of Planning pulled item 4B, and Commissioner Hamilton pulled item 4C for separate discussion.

Commissioner Caplan moved to approve items 4A and 4D subject to staff comments. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

4A. Final Plat: Meadow Creek Addition

SN Applicant(s): Paragon / Tower 720, L. P.

46 Single Family-4 lots and 125 Single-Family-5 lots on 38.3± acres on the north side of Main Street (F.M. 720), 1,600± feet east of F.M. 423. Zoned Single-Family-4 and Single-Family-5. Neighborhood #44.

REMARKS:

The final plat shows 46 lots to be developed at Single-Family-4 standards and 125 to be developed at Single-Family-5 standards and two open space lots. Access is provided by two street extensions to F. M. 720. The final plat provides two street stubs to the adjacent properties for future extensions.

CONCERNS:

Alley Waiver

The Subdivision Ordinance requires alleys to be provided along the rear of all lots. Seventeen (17) lots are not served by alleys. If the Planning & Zoning Commission and City Council determine that utility and access has been adequately provided and no lot to lot drainage, the requirement for alleys may be waived. As required by the Subdivision Ordinance, the width of streets interior to the subdivision have been increased from 27 feet to 31 feet due to the absence of alleys. Adequate access is provided with the increased street width. The proposed lot design will provide efficient solid waste collection. Should lots be designed without lot to lot drainage, staff supports a waiver to the requirement for alleys.

RECOMMENDATION:

Recommended for approval subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Subject to the City Engineer's approval of the drainage to ensure no lot to lot drainage.
3. Submission and City approval of flood study.
4. Staff approval of landscape and screening plans.

4B. Final Plat: Heritage Green Phase 2

SN Applicant(s): Heritage Green Joint Venture

54 Single-Family-5 lots on 16.4± acres on the east side of Rushmore Drive 900± feet north of Lebanon Road. Zoned Planned-Development-87-Patio Home. Neighborhood # 39.

John Lettelleir, Director of Planning reviewed staff comments with the Commission and asked for comment number 2, in staff recommendations, to be deleted. Frank Jaromin informed the Commission that Lebanon Road should be completed within six weeks.

Following review and discussion, Commissioner Caplan moved to approve the request subject to Staff Comments. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

REMARKS:

The final plat shows 54 lots to be developed to Planned-Development-87 Single Family-5 standards. Access is provided from Rushmore Drive that was constructed with Heritage Green, Phase 1.

RECOMMENDATIONS:

Recommend for approval subject to:

1. Additions and/or alteration to the engineering plans as required by the Engineering Department.
2. Withholding building Permits until City Council final acceptance of Lebanon Road extension to FM 423.
3. Staff approval of street names.

4C. Preliminary Plat: Chapel Creek, Phase One.

SN Applicant(s): The Rudman Partnership

171 Single-Family lots on 81.8± acres on the northeast corner of Parkwood Boulevard and Wade Boulevard. Zoned Planned Development-79. Neighborhood #23.

Commissioner Hamilton addressed his concerns regarding trees on the property, and the fact that the property bordered a flood zone.

John Lettelleir, Director of Planning discussed surveys that had been conducted with the Commission. Following review and discussion, Commissioner Hamilton moved to approve the request subject to Staff Comments. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

REMARKS:

The preliminary plat shows 171 lots to be developed at Planned Development-79 standards. Access is provided by Parkwood Boulevard and Wade Boulevard. A temporary street connection is proposed to Wade Boulevard to provide the required second point of access for circulation and emergency access. This temporary street will be eliminated with the future residential phase to the east.

Alley Waiver

Alleys are not provided to serve any of the lots. The Subdivision Ordinance requires alleys unless the City Council waives the requirement for alleys by determining that utilities and access are adequately provided to the lots. The absence of alleys does not interrupt solid waste collection patterns or create any circulation problems. City Council has empowered the City Engineer to waive the alley requirement subject to no lot to lot drainage. The City Engineer makes this determination with review of the engineering plans, which are submitted with the final plat. Staff recommends approval the waiver subject to City Engineer determining that there will not be any lot to lot drainage.

RECOMMENDATION:

Recommended for approval subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Lot to lot drainage is prohibited
3. Submission and City approval of flood study with the final plat.

4D. Request to: Call a Public Hearing

SN Applicant(s): City of Frisco

Request to call a public hearing to consider rezoning 108.2± acres on the south side of Panther Creek Parkway, 1,350± feet west of future Coit Road. Zoned Agriculture, Single-Family-2, Townhome and Neighborhood Service. Neighborhood #8.

REMARKS:

Staff has been working with the adjacent property owner to the west about an alternative subdivision design that incorporates open space. The discussion has involved shifting some of the land for a future community park for this residential development. The proposed zoning case is to amend the zoning per the proposed preliminary plat. Staff has reviewed the proposed preliminary plat with the Community Development Corporation and the Parks and

Recreation Board, who supports the proposed development. The preliminary plat will be scheduled for a future Planning & Zoning Commission meeting.

RECOMMENDATION:

Recommended that the Planning & Zoning Commission call a public hearing to rezone 108.2± acres.

END OF CONSENT AGENDA

PUBLIC HEARINGS

5. Public Hearing: Zoning Case SUP2000-29

JW Applicant(s): Frisco EZ Storage, L.L.C.

Request for a Specific Use Permit (SUP) for a Self-Storage/Mini-Warehouse on 5.5± acres on the south side of Stonebrook Parkway, 600± feet west of Woodstream Drive. Zoned Commercial-1. Neighborhood #23. Tabled 08/29/00.

Commissioner moved to remove this item from the table for a Public Hearing . Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner reviewed staff comments with the Commission. Present to speak for the request were Kirk Williams and John Meyers. Speaking against the request was Paul Vasinda. There being no one else present to speak for or against the request, Commissioner Caplan moved to close the meeting for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Following review and extensive discussion, Commissioner Caplan moved to deny the request. Commissioner Hamilton seconded the Motion. Motion carried. Vote 4-1.

Voting aye: Commissioners Hulse, Caplan, Seifert and Hamilton.

Voting nay: Commissioner Sanders.

6. Concept Plan, Preliminary Site Plan,

JW and Conveyance Plat: Frisco EZ Storage, Block A, Lots 1-5

Applicant(s): Frisco EZ Storage, L.L.C.

Four (4) office buildings and a self-storage/mini-warehouse on 11.0± acres on the southwest corner of Woodstream Drive and Stonebrook Parkway. Zoned Commercial-1. Requested zoning is Commercial-1 with a SUP for Self-Storage/Mini-Warehouse. Neighborhood #23.

Commissioner Caplan moved to deny this request as the approval was contingent upon approval of SUP2000-29. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

7. Public Hearing: Specific Use Permit SUP2000-13

JW Applicant(s): Animal Hospital of Frisco

Request for a Special Use Permit (SUP) for a Veterinarian Clinic on 1.0± acre on the west side of Coit Road, 1,300± feet south of Canoe Road. Neighborhood #18. Tabled 5/30/00 and 6/13/00.

Commissioner Hamilton moved to remove this item from the table for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner reviewed staff comments with the Commission and requested for this proposal to be denied. Baxter Brinkmann was present and spoke against the request. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hamilton moved to deny the request. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

8. Public Hearing: Zoning Case Z2000-45

SN Applicant(s): Hunter tract Associates, L.P.

Request to amend Planned Development-75 Single Family on 58.6± acres on the northwest corner of The Trails Parkway and future Smotherman Road. Zoned Planned Development-75-Single-Family. Neighborhood #44. Tabled 8/29/2000.

Commissioner Caplan moved to remove this item for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner, reviewed staff comments with the Commissioner. Craig Curry was present and asked for approval of the request. Curtis Hawley answered questions from the Commission. There being no one else present to speak for or against the request, Commissioner Sanders moved to close the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Caplan moved to approve the request subject to Staff Comments. Commissioner Seifert seconded the Motion. Motion carried. Vote - 4-1.

Voting aye: Commissioners Caplan, Seifert, Hulse and Hamilton.

Voting nay: Commissioner Sanders.

REMARKS:

The applicant is requesting to modify the planned development standards to provide for a front entry swing in garage with reduced front and side yard setbacks that would only apply to the swing-in garage. All of the affected lots are front-entry. The final plat for this subdivision was approved with a waiver to the requirement for alleys. The applicant is proposing one tree in addition to the four trees that area required by the Zoning Ordinance.

A swing in garage is a front entry lot that has an attached garage that opens to the side lot line. There are several variables to the use of the swing garage creating an automobile court effect or a complete separation from the front door of the home. Builders are finding offering an option of a front entry garages that does not open to the street has a growing interest in the market. Consumers have indicated that the cleaner look and courtyard affect of the home designs are a desirable option to a standard front entry product. An example of a swing in garage is included as an exhibit in the packet.

To accomplish the alternative swing in style garage on a Single-Family-3 lot meeting Planned Development-75 standards the applicant's request included a reduced front yard set back from 30-feet to 25-feet for only the garage portion of the structure. The applicant is also requesting to reduce the side yard set back from 10-feet to 7-feet to allow additional flexibility in configuring the homes on the lot. Providing additional automobile maneuvering room by shifting the home to one side or the other and keeping a balanced look on the lots. The Fire Department does not have any concerns about the side yard setbacks be reduced from ten-feet (10') to seven-feet (7').

ADJACENT ZONING AND LAND USES

Direction	Land Use	Zoning	Comprehensive Plan
North	Golf Course	PD-75-Single Family	Open Space
East	Vacant	PD-75-Single Family	Single-Family
South	Vacant and developed Single Family subdivisions	PD-75-Single Family	Single-Family
West	Vacant	PD-75-Single Family	Single-Family

Conformance to the Comprehensive Plan

Future Land Use Plan -- The Future Land Use Plan recommends Single-Family. The existing zoning complies with the Future Land Use Plan.

Thoroughfare Plan – The Thoroughfare Plan shows a collector street that is in the approximate location as The Trails Parkway that provides access to the property.

Water and Sanitary Sewer Services

Water and sanitary sewer lines are available to the property.

RECOMMENDATION:

Recommended for approval subject to the following restrictions. The new or modified conditions are underlined for your convenience.

The tract may be developed under the regulations of the Single Family-3 (SF-3) District as outlined in the Comprehensive Zoning Ordinance No. 93-07-11 as it currently exists or may be amended, subject to the following additional conditions:

1. Front Yard Setback
 - A. The front building line may be staggered for lots fronting on an eyebrow or bulb portion of a cul-de-sac. The maximum setback shall be thirty-five (35) feet.

B. The front building line for front entry lots with swing-in garages, the minimum front yard for the garage portion(s) of the house shall be twenty-five (25) feet. For additional garage space where garage doors face the street, the minimum front yard setback shall be thirty (30) feet.

(i) The front building line for front entry lots that utilize the swing-in garage(s) and have a front yard setback of twenty-five (25) feet, one (1) tree shall be planted between the swing-in garage(s) and the right-of-way, within the front yard setback. The required tree shall be a minimum of three (3) inch caliper, and selected from the Large Tree list within Section 39 of the Comprehensive Zoning Ordinance No. 93-07-11. This tree requirement is in addition to the standard landscape requirements for single family detached lots within Section 39.

2. Side Yard setback shall be for front entry lots utilizing the swing-in garage shall be seven (7) feet.
3. The minimum rear building line shall be twelve (12) feet. Any rear entry garages shall be setback a minimum of twenty (20) feet from the rear lot line.
4. The minimum lot width for lots fronting on an eyebrow or bulb portion of a cul-de-sac shall be seventy (70) feet.

9. Public Hearing: Zoning Case SUP2000-33

SN Applicant(s): SPC NEC LTD & Brinker International. (Big Bowl Restaurant)

Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on one lot on 1.5± acres on the southeast corner of Preston Road and Gaylord Parkway. Zoned Highway. Neighborhood #29. Tabled 08/29/00.

Commissioner Caplan moved to remove this item from the table for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner, reviewed staff comments on item 9 and 10 with the Commission. Tom Hutch was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Caplan moved to approve the request subject to the requirement for stone to be deleted from this request and added to item 10 as a stipulation. Commissioner Seifert seconded the Motion. Motion carried. Vote - 4-1.

Voting aye: Commissioners Seifert, Caplan, Hamilton and Sanders.

Voting nay: Commissioner Hulsey.

REMARKS:

The applicant is requesting a SUP for a Private Club to Serve Alcoholic beverages in conjunction with the operation of a Big Bowl restaurant. Adequate access, utilities, and parking are provided to accommodate this use.

ADJACENT ZONING AND LAND USES

Direction	Land Use	Zoning	Comprehensive Plan
North	Vacant-proposed restaurant	Highway	Retail
East	Vacant-proposed Retail	Highway	Retail
South	Vacant-proposed restaurant	Highway	Retail
West	Stonebriar Mall	Planned Development-25 business center	Retail

Specific Use Permit Criteria

The Zoning Ordinance lists four criteria for approval of a Specific Use Permit.

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses? The surrounding properties are being developed as retail uses. It is not unusual to find this type of use in a retail shopping center. The proposed use is harmonious and compatible with existing and proposed uses. To ensure the building is compatible with the other development along Preston Road a percentage of natural stone should be incorporated into the approval of the Specific Use Permit. It is anticipated that the Preston Road overlay district will require 20-25% natural stone to be used on the façade of the buildings. Staff recommends that a stipulation of 25 percent natural stone be incorporated in the approval of the Specific Use Permit.
2. Are the activities requested by the applicant normally associated with the requested use? Full service restaurants typically serve alcoholic beverages.
3. Is the nature of the use reasonable. Most restaurants serve alcoholic beverages as a convenience to their customers. The nature of the use is reasonable.
4. Has any impact on the surrounding area been mitigated? Adequate parking and access are provided. Staff recommends that a cross parking agreement be filed to allow shared parking between adjacent properties during peak business and special events.

The request meets all four criteria for approval of a Specific Use Permit. Staff recommends approval of the request.

RECOMMENDATION:

Recommended for approval subject to a minimum of 25 percent natural stone to be used on the façade of the building.

10. Final Plat & Site Plan: Mixon Addition , Block A, Lot 2.

SN Applicant(s): SPC NEC 121 Ltd. & Brinker International (Big Bowl Restaurant)

A restaurant on one lot on 1.5± acres on the southeast corner of Preston Road and Gaylord Parkway. Zoned Highway. Requested zoning is Highway with a SUP for a Private Club. Neighborhood #29.

Commissioner Sanders moved to approve the request subject to Staff Comments and the stipulation of 25% stone to be added to requirements. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

REMARKS:

The site plan shows 5,555 square foot one-story restaurant building. Access is provided Preston Road and cross access easements with the adjacent properties. This site plan is in conformance to the approved preliminary site plan. Parking and landscaping are adequate.

The final plat dedicates the necessary fire lane, access, utility easements for the proposed restaurant.

RECOMMENDATIONS:

Recommend for approval subject to:

Final Plat

1. Additions and/or alteration to the engineering plans as required by the Engineering Department

Site Plan:

1. Staff approval of landscape and screening plans.
2. City Council approval of SUP 2000-33

11. Public Hearing: Specific Use Permit SUP2000-30

DM Applicant(s): Briar Preston Ridge Partners, L.P. and Café Crisp Restaurants Frisco, L.P.

A request for a Specific Use Permit for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on 0.1± acre located 330± feet north of Gaylord Parkway, 700± feet west of Preston Road. Zoned Planned Development-25. Neighborhood #35. Tabled 08/29/00.

Commissioner Seifert stepped down from the table due to a conflict of interest.

Commissioner Caplan moved to remove this item from the table for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner, requested this item to remain on the table for further staff review.

Following review and discussion, Commissioner Caplan moved to table this item to the September 26, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous. (4-0)

REMARKS:

The applicant has requested additional time to reallocate the off-street parking on the lots within The Centre at Preston Ridge to support the parking for the private clubs located in this retail center. Staff recommends that this item remain on the table until the September 26, 2000, Planning & Zoning Commission meeting.

RECOMMENDATION:

Staff recommends that this item remain on the table until the September 26, 2000, Planning & Zoning Commission meeting.

Commissioner Seifert returned to the table.

12. Public Hearing: Zoning Case SUP2000-32

SN Applicant(s): Posados Café, Inc.

Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a Posados Café restaurant on one lot on 1.4± acres on the north side of S. H 121, 800± feet west of future Ohio Drive. Zoned Highway. Neighborhood #29.

Jeff Witt, Planner, requested this item to remain on the table for further staff review.

Following review and discussion, Commissioner Hamilton moved to table this item to the September 26, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

13. Public Hearing: Zoning Case Z99-59

SN Applicant(s): Betty Davis, Deanna Hollifield, Edna & Jack Sprouse, Russell & Cindy Sutton, Jim Green, Richard & Luanne Wieland, and Suzie King

A request to rezone 2.7± acres on the northeast corner of F.M. 720 (Main Street) and Dogwood Road **from** Single-Family-5 **to** Office-1. Neighborhood #11. Tabled 11/30/99 and 4/11/00

Commissioner Hamilton moved to remove this item from the table for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

Jeff Witt, Planner, requested this item to remain on the table for further staff review.

Kevin Worley was present and spoke in opposition to the request. There being no one else present to speak for or against the request, Commissioner Caplan moved to close the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hamilton moved to table this item to the December 12, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

14. Public Hearing Replat and Site Plan: Centre At Preston Ridge

SN Applicant(s): Briar Preston Ridge Partners, L.P. (Ethan Allen)

A furniture store on one lot on 1.8± acres on the east side of Parkwood Boulevard Zoned Planned Planed Development-25- Business Center. Neighborhood #35.

Jeff Witt, Planner, reviewed staff comments with the Commission.

Commissioner Caplan moved to open the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

There being no one present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Caplan moved to approve the request subject to Staff Comments. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

REMARKS:

The site plan shows a one-story furniture store with 18,170 square feet. Access is provided from Parkwood Boulevard and cross access easements between the adjacent properties. Parking and landscaping are adequate.

The purpose for the replat is to subdivide Lot 2R to create Lots 6 and 7. This plat also dedicates the necessary easements for this development. The furniture store will be on Lot 2R.

RECOMMENDATIONS:

Recommend for approval subject to:

Final plat:

1. Additions and/or alteration to the engineering plans as required by the Engineering Department.

Site Plan:

1. Staff approval of landscape and screening plans.

END OF PUBLIC HEARINGS

15. General Information

Consider rescheduling the October 31, 2000 Planning and Zoning meeting to October 24, 2000.

John Lettelleir, Director of Planning requested the Commission to reschedule the meeting of October 31, 2000. Following discussion the Commission agreed to move the meeting to October 24, 2000 subject to the availability of facilities.

16. Adjourn

There being no further business, Commissioner Hamilton moved to adjourn the meeting at 8:55 p.m. Commissioner Caplan seconded the Motion. Motion carried. Vote - unanimous.

BUDDY MINETT (Chairman)

JON FERGUSON (Secretary)